GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:1686
ANSWERED ON:01.08.2003
CHANGES IN PATENT LAWS
RAMSHETH THAKUR

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Indian companies are far behind the foreign companies in respect of patenting the food products;

(b) if so, whether the existing legal complexity is the main reason for this;

(c) if so, whether the Government have decided to make certain changes in the existing Patent laws;

(d) if so, the details thereof; and

(e) the extent and the manner in which Indian companies would be benefited by the said changes?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI CH. VIDYASAGAR RAO)

(a) & (b): Patents on food products are not admissible under the Patents Act, 1970 and are not granted. Only process patents are considered in this category.

(c) to (e) : The Patents (Amendment) Act, 2002 (operationalizedfrom May, 2003) has made substantive changes in the patent law. These, inter alia, relate to introduction of uniform term of patents for 20 years, revision of compulsory licensing provisions, simplification of procedures, protection of national/public interest, etc. Further, as a signatory to the WTO Agreement including the TRIPs agreement, India is also obliged to provide for a product patent regime in all fields for which products patents are not admissible now. This includes food products also. These changes in the Indian patent law are to be brought into effect from January 1, 2005 only. The changes in the Indian patent laws and the modernization of the administrative framework aim, inter-alia, to encourage all inventors, including Indian companies, to seek and secure benefits from patent rights.